

**4-805B. Application for writ of garnishment.**

[For use with Magistrate Court Rule 2-802 NMRA]

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
IN THE MAGISTRATE COURT

\_\_\_\_\_, Plaintiff,

v.

No. \_\_\_\_\_

\_\_\_\_\_, Defendant.

**APPLICATION FOR WRIT OF GARNISHMENT**

\_\_\_\_\_ the judgment creditor, states the following:

- (1) The judgment creditor has a judgment dated \_\_\_\_\_ against the judgment debtor whose name is \_\_\_\_\_, and whose last known address is \_\_\_\_\_. The total of the principal, interest, costs and attorney's fees awarded by the judgment was \$\_\_\_\_\_.  
Since the judgment was entered, additional interest at the judgment rate of \_\_\_\_\_ % and costs totals \$\_\_\_\_\_.  
Payments totaling \$\_\_\_\_\_ have been received.  
The unpaid balance now due is \$\_\_\_\_\_ (*Insert this amount on Civil Form 4-806 NMRA as "Balance Due upon Application for Writ."*) plus interest from the date this Application is executed. Under the statute, costs of 10% and fees of up to 10% may be allowed.  
The estimated costs would equal \$\_\_\_\_\_; and the judgment creditor will seek \$\_\_\_\_\_ in attorney fees.
- (2) I have made the following reasonable investigations, and the judgment debtor, to my knowledge, does not have sufficient property within New Mexico subject to execution to satisfy the judgment:
- ☐ conducted a creditor's examination; that is, I have asked the judgment debtor questions to identify all of his or her assets during a court hearing;
  - ☐ conducted a credit check;
  - ☐ other steps taken: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (3) I have reason to believe, and do believe, that the garnishee, \_\_\_\_\_  
(*name of garnishee*), \_\_\_\_\_ (*address*), holds or controls

money or personal property which belongs to the judgment debtor or is indebted to the judgment debtor. The money or property held by the garnishee is not exempt from garnishment.

Therefore judgment creditor requests a Writ of Garnishment.

\_\_\_\_\_  
Judgment creditor or  
attorney for judgment creditor

\_\_\_\_\_  
Judgment creditor's name printed

\_\_\_\_\_  
Address of judgment creditor

\_\_\_\_\_  
Printed name of person signing  
for judgment creditor

\_\_\_\_\_  
Telephone of judgment creditor

\_\_\_\_\_  
Printed name of judgment creditor's attorney  
(if any)

\_\_\_\_\_  
Mailing address of judgment creditor's attorney  
(number and street or P.O. box)

\_\_\_\_\_  
City, state, zip code

\_\_\_\_\_  
Telephone number of judgment creditor's attorney

**AFFIDAVIT**

*(application must be sworn to unless signed by an attorney)*

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_.

(*seal*)

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Notary or other officer authorized  
to administer oaths

[Adopted by Supreme Court Order No. 08-8300-45, effective December 31, 2008; as amended by Supreme Court Order No. 09-8300-024, effective September 4, 2009.]